

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****CHAMBER SUMMONS NO. 786 OF 2014****IN****SUIT NO. 762 OF 2007**

Mukesh V. Panjwani	...Plaintiff / Applicant
vs.	
Philomena Loretta D'Silva & Ors.	...Defendants
and	
Bihari P. Kandhari & Anr.	...Respondents

Mr. Shailesh Shah, Senior Advocate i/b. M/s.B. Amin & Co. for Plaintiff.
Mr. Milan Desai i/b. Mr. Manoj P. Mhatre for Defendant No.13.

CORAM : S.C. GUPTE, J.**10 MARCH 2015****P.C. :**

This Chamber Summons is taken out by the original Plaintiff for amendment of the plaint by impleading the Respondents as party Defendants to the present suit on the ground that these Defendants have been subsequent transferees in respect of the suit property. The Chamber Summons also seeks to add two prayers in the plaint. The first prayer is for claiming certain reliefs on the basis of an order passed by the appeal court in an appeal arising out of a Notice of Motion in the present suit. The second prayer is the alternative prayer for damages in lieu of specific performance. The Chamber Summons is not contested by the Dependants except that the Defendants seek to keep all rights and contentions of the parties on merits open.

2 The Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within a period of two weeks from today. There shall be no order as to costs. The Plaintiff is permitted to change the schedule of the amendment by adding prayer (h)(iii) to the schedule. The proposed amendment of the schedule is submitted in the form of a draft, which is taken on

record, marked “X” for identification. The Plaintiff shall, accordingly, carry out the amendment. All contentions on merits are kept open.

(S.C. Gupte, J.)